

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

KODY D RECTOR,)	
)	
Petitioner,)	
)	
v.)	No. 2:24-cv-5 PLC
)	
MYLES STRID,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court upon review of self-represented Petitioner Kody Rector’s “Petition for Writ of Habeas Corpus Pursuant to Supreme Court Rule 91.” ECF No. 1. This document was not drafted on the Court’s form. Under Local Rule 2.06(A) “[a]ll actions brought by self-represented plaintiffs or petitioners should be filed on Court-provided forms where applicable. If an action is not filed on a Court-provided form, the Court, in its discretion, may order the self-represented plaintiff or petitioner to file the action on a Court-provided form.”

E.D. Mo. Local Rule 2.06(A). Furthermore, the document seeks relief under Missouri law and is captioned for the “Missouri Court of Appeals Eastern District.” *Id.* at 1. As such, it appears that this document was possibly filed in the wrong court.

The Clerk of Court will be directed to send to Petitioner the Court’s “Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody.” If Petitioner wishes to pursue habeas corpus relief under 28 U.S.C. § 2254 in this Court, he should file an amended petition on this Court-provided form. If Petitioner’s filing was mistakenly sent to this Court and he does not wish to seek relief here, Petitioner should inform the Court that he would like to voluntarily dismiss this action.

Petitioner should be aware that in order to bring a habeas action pursuant to § 2254 before this Court, he must exhaust his state court remedies prior to doing so. *See Frederickson v. Wood*, 87 F.3d 244, 245 (8th Cir. 1996). Furthermore, Petitioner is warned that if he files a motion under § 2254, any future § 2254 motions are subject to the restrictions on filing second or successive motions. That is, Petitioner will not be permitted to bring a second or successive § 2254 motion unless the United States Court of Appeals for the Eighth Circuit certifies that the second or successive motion meets the requirements set forth in 28 U.S.C. § 2244(b)(3)(A). Finally, Petitioner is warned that § 2254 motions are subject to a one-year limitations period. *See* 28 U.S.C. § 2244(d).

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall mail to Petitioner a copy of the Court's "Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody" form.

IT IS FURTHER ORDERED that if Petitioner wants to pursue habeas relief in this Court, he should file an amended petition on the Court-provided form within **thirty (30) days** of the date of this Order.

IT IS FURTHER ORDERED that if Petitioner fails to respond to this Order in the time allotted, the Court will assume that he does not wish to proceed in this matter and the case will be dismissed.



PATRICIA L. COHEN
UNITED STATES MAGISTRATE JUDGE

Dated this 17th day of January, 2024